IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

OP.No. 26837 of 2001(T)

PETITIONER:

NATIONAL INSURANCE CO. LTD.,
PALA, REP.BY ITS DEPUTY MANAGER,
REGIONAL OFFICE, M.G.ROAD, ERNAKULAM.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENTS:
----

1. **THE HONOURABLE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALA .**

2. **PRASANNAKUMARY, CHETHIMATTATHIL HOUSE, NARIYANANI P.O., PONKUNNAM.**

3. **JOSEPH VARGHESE, ONATHUMKUNNEL HOUSE, VAZHOOR EAST P.O.**

4. **BIJU , KALARICKAL HOUSE, URULIKKUNNAM BHAGOM, ELAMGULAM VILLAGE.**

5. **JOY. R.MATHEW, RANDUPLACKAL HOUSE, CHERUVALLY, PONKUNNAM.**

6. **RAJU V.THOMAS, VADAKKEL HOUSE, MOOZHOOR P.O., AYARKUNNAM.**

7. **THE ORIENTAL INSURANCE COMPANY LIMITED, KOTTAYAM.**

BY ADV. SRI.MATHEWS JACOB
SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY & K.HEMA, JJ.

O.P.No. 26837 of 2001 - T

Dated this the 29th day of November, 2007

Judgment

Koshy,J.

In this case, the insurance company is questioning the award of the Motor Accidents Claims Tribunal. Appeal cannot be filed in this case as total compensation awarded was below Rs.10,000/-. It is settled law that if appeal cannot be filed, it cannot be over-reached by filing a writ petition as it is the mandate of the Parliament that if the award is below Rs.10,000/-, it cannot be questioned. It is a common award passed in several cases. In other cases, appeals are filed. We make it clear that because of the dismissal of the appeal for non-maintainability, there will not be any res judicata as insurance company can contest in other cases where appeal can be filed on merit. This original petition is dismissed for non-maintainability.

J.B.KOSHY
JUDGE

K. HEMA
JUDGE

vaa

J.B. KOSHY AND
K.HEMA,JJ.

O.P. No. 26837 of 2001 - T

Judgment

Dated:29th November, 2007